



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Phone (605) 773-3215  
Fax (605) 773-4106  
<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**RECEIVED**  
JUL 24 2023  
OFFICE OF  
WATER  
**MARK W. BARNETT**  
CHIEF DEPUTY

July 20, 2023

Stacy R. Hegge  
Gunderson, Palmer, Nelson & Ashmore LLP  
111 W. Capitol, Ave., Suite #230  
Pierre, SD 57501  
[shegge@gpna.com](mailto:shegge@gpna.com)

John M. Hines, Attorney  
Crary Huff Law Firm  
P.O. Box 27  
Sioux City, IA 51102  
[jhines@craryhuff.com](mailto:jhines@craryhuff.com)

Rodney Freeman, Prehearing Chairman  
DANR Water Rights Program  
Joe Foss Building  
523 East Capitol Avenue  
Pierre, SD 57501

Dakota Bay  
Michael Chicoine  
32926 482<sup>nd</sup> Avenue  
Jefferson, SD 57038

Dean Fankhouser  
Attorney for Dakota Bay  
Tigges, Bottaro & Lessman, LLP  
613 Pierce Street  
Sioux City, IA 51101

David M. McVey  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

Re: *In the Matter of Request for Declaratory Ruling by McCook Lake Recreation Area Association*

Dear Mr. Freeman:

Enclosed please find a copy of the Chief Engineer's Response to Motion for Subpoena of Secretary Robing and Certificate of Service in the above-referenced file.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann F. Mines Bailey".

Ann F. Mines Bailey  
Assistant Attorney General

AFM/cmb  
Enclosures  
cc w/encs: Ron Duvall, DANR Water Rights Program

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JUL 24 2023

OFFICE OF  
WATER

STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

---

IN THE MATTER OF REQUEST FOR )	CHIEF ENGINEER'S RESPONSE TO
DECLARATORY RULING BY )	MOTION FOR SUBPOENA OF
MCCOOK LAKE RECREATION AREA )	SECRETARY ROBLING
ASSOCIATION )	

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In a Motion for Subpoenas dated July 17, 2023, Mr. Hines seeks to compel the attendance of the South Dakota Department of Game, Fish and Parks Secretary, Kevin Robling. As part of the justification for this subpoena, Mr. Hines offers that the undersigned counsel intends to offer the GFP 2023 Fishing Handbook which discusses shoreline alteration permits and that I will require attendance of an employee from the Department of Game, Fish and Parks to answer questions. For the record, I am not requesting and do not require Secretary Robling's attendance, nor that of any employee of the Department of Game, Fish and Parks at this time.

Dated this 20th day of July, 2023.



Ann F. Mines Bailey  
 Assistant Attorney General  
 Mickelson Criminal Justice Center  
 1302 East Highway 14, Suite 1  
 Pierre, South Dakota 57501  
 Telephone: (605) 773-3215

*Counsel for Chief Engineer and Water Rights  
 Program, DANR*

STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

OFFICE OF  
WATER

WATER MANAGEMENT BOARD

IN THE MATTER REQUEST FOR	)	
DECLARATORY RULING BY MCCOOK	)	
LAKE RECREATION AREA	)	CERTIFICATE OF SERVICE
ASSOCIATION	)	

The undersigned hereby certifies that true and correct copies of the Chief Engineer's Response to Motion for Subpoena of Secretary Robling in the above matter, were served by U.S. mail, first-class, postage prepaid, upon the following on this 20th day of July 2023:

Dakota Bay  
c/o Michael Chicoine  
32926 482nd Avenue  
Jefferson, SD 57038

John M. Hines, Attorney for McCook  
Lake Recreation Area Association  
Crary Huff Law Firm  
P.O. Box 27  
Sioux City, IA 51102

Stacy R. Hegge, Attorney  
Gunderson, Palmer, Nelson, Ashmore LLP  
111 W. Capitol Ave., Suite #230  
Pierre, SD 57501

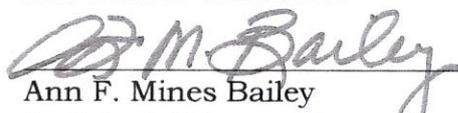
David M. McVey  
Assistant Attorney General  
Counsel for Water Management Board  
1302 East Highway 14, Suite 1  
Pierre, SD 57501  
(Hand-delivered)

Rodney Freeman, Prehearing Chairman  
DANR Water Rights Program  
Joe Foss Building  
523 East Capitol Avenue  
Pierre, SD 57501

Dean Fankhouser  
Attorney for Dakota Bay  
Tigges, Bottaro & Lessman LLP  
613 Pierce Street  
Sioux City, IA 51101

Original Filed with:  
Ron Duvall  
DANR Water Rights Program  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501

MARTY J. JACKLEY  
ATTORNEY GENERAL



Ann F. Mines Bailey  
Assistant Attorney General  
1302 East Highway 14, Ste. 1  
Pierre, SD 57501  
Telephone: (605) 773-3215  
Email: [Ann.MinesBailey@state.sd.us](mailto:Ann.MinesBailey@state.sd.us)

*Counsel for Water Rights Program, DANR*



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Joe Foss Building  
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David M. McVey  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

Re: *In the Matter of Water Permit Application No. 8744-3, Dakota Bay, LLC.*

Dear Mr. Freeman:

Enclosed please find a copy of the Chief Engineer's Response to Motion for Subpoenas and Certificate of Service in the above-referenced file.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann F. Mines Bailey".

Ann F. Mines Bailey  
Assistant Attorney General

AFM/cmb  
Enclosures  
cc w/encs: Ron Duvall, DANR Water Rights Program

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OFFICE OF  
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STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT )  
APPLICATION NO. 8744-3, DAKOTA )  
BAY, LLC, )  
)

CHIEF ENGINEER'S  
RESPONSE TO MOTION  
FOR SUBPOENAS

In a Motion for Subpoenas dated July 17, 2023, Mr. Hines seeks to compel the attendance of the South Dakota Department of Game, Fish and Parks Secretary, Kevin Robling. As part of the justification for this subpoena, Mr. Hines offers that the undersigned counsel intends to offer the GFP 2023 Fishing Handbook which discusses shoreline alteration permits and that I will require attendance of an employee from the Department of Game, Fish and Parks to answer questions. For the record, I am not requesting and do not require Secretary Robling's attendance, nor that of any employee of the Department of Game, Fish and Parks at this time.

Dated this 20th day of July 2023.



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Assistant Attorney General  
Mickelson Criminal Justice Center  
1302 East Highway 14, Suite 1  
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Telephone: (605) 773-3215

*Counsel for Chief Engineer and Water Rights  
Program, DANR*

JUL 24 2023

OFFICE OF WATER

STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT )	
APPLICATION NO. 8744-3, DAKOTA )	
BAY, LLC, )	CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the Chief Engineer's Response to Motion for Subpoenas, in the above matter, were served by U.S. mail, first-class, postage prepaid, upon the following on this 20th day of July 2023:

Dakota Bay  
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32926 482nd Avenue  
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ATTORNEY GENERAL



Ann F. Mines Bailey  
Assistant Attorney General  
1302 East Highway 14, Ste. 1  
Pierre, SD 57501  
Telephone: (605) 773-3215  
Email: [Ann.MinesBailey@state.sd.us](mailto:Ann.MinesBailey@state.sd.us)

Counsel for Water Rights Program, DANR